

Notice of Agency Rule-making Adoption

AGENCY: Board of Corrections

CHAPTER NUMBER AND TITLE: Chapter 2, Change of Use, Downsizing, or Closure of Correctional Facilities

ADOPTED RULE NUMBER: 98-

(LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:

The Board of Corrections is adopting this rule in accordance with the provisions of 34-A, M.R.S.A. Section 1803, Sub-section 2.

The purpose of this rule is to establish the process and standards used by the Board of Corrections to: determine the use of state correctional facilities and county jails; determine if a state correctional facility or county jail should be assigned a new service responsibility; or determine if a state correctional facility or county jail should be downsized or closed.

The reason for this rule being adopted on an emergency basis is as follows.

Members of the Board were appointed and confirmed by the Senate in August of 2008. The first meeting of the board was in September. Many responsibilities and deadlines confronted the Board at the outset including the review and approval of 16 county jail budgets and an emergency supplemental budget request to fund the jails in FY09 and a biennial budget request for FY10. The board established a vision and implementation plan for the unified corrections system which provides the framework for reviewing the use of all state correctional facilities and county jails. This framework was necessary prior to the development of the rule. The Board provisionally adopted this rule on June 5, 2009 but this was too late in the legislative session for it to be reviewed by the legislature.

The board is now faced with reassigning services and changing the use of several county jails before July 1, 2009 in order to remain within the FY10 budgeted levels. The presentation of the Board to the Legislature of its FY10 budget request clearly anticipated the need to reassign services given the fiscal situation facing the General Fund. In order to meet the needs of the unified corrections system and to conform with available funding limits, the Board must adopt the rule governing the process and standards for major mission changes before July 1, 2009, the beginning of the fiscal year. This, along with the inability of the legislature to review the provisional rule necessitates its adoption as an emergency rule pending that review.

EFFECTIVE DATE:

(TO BE FILLED IN BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Esther Riley

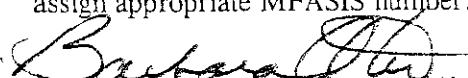
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Please approve bottom portion of this form and
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APPROVED FOR PAYMENT


Authorized Signature

DATE:

6/12/09

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